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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,736	05/18/2000	Michael V. Leman	MPATENT.158A	9808

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EXAMINER	
BROWN, VERNAL U	
ART UNIT	**PAPER NUMBER**
2635	7

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/574,736	LEMAN ET AL.	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-9 and 11-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-9,11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This action is responsive to communication filed on July 22, 2003.

Response to Amendment

The examiner has acknowledged the amended claims 1, 5, 11, 17 and the cancellation of claims 3, 10, 18, and 19.

Response to Arguments

Applicant's arguments filed 7/22/2003 have been fully considered but they are not persuasive.

Regarding applicant's argument concerning two assign button for turning on the computer and launching user-defined application program, Ha teaches the use of a desired key on the remote control for launching an application program (col. 3 lines 13-15). Ha further teaches that the microcomputer discriminate the key signal to determine the application software to be launched (col. 3 lines 19-25). The use of multiple keys for launching a user defined program is therefore suggested by Ha (which includes a first and second button). Terubumi is used to show the use of a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

Regarding applicant's argument concerning a computer system taught by Ha (page 5), the computer system as taught by Ha includes the computer and the necessary periphery control and software for receiving the remote control signal which is necessary for controlling the computer by a remote control (figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-5, 7, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 and further in view of Seal U.S Patent 6396438.

Regarding claims 1, 5, and 17, Ha teaches a remote control computer (col. 1 lines 21-22) comprising a computer (230) having a wireless receiver (210), a hand held controller (100) comprising a wireless transmitter (figure 1). Ha further teaches the remote control transmitter sends a signal to the computer to drive application software for performing an intended function (col. 1 lines 35-39) and on/off button to perform power on sequence (col. 3 line 34). Ha also teaches that the microcomputer discriminate the key signal to determine the application software to be launch (col. 3 lines 19-25). The use of multiple keys for launching a user defined program is therefore suggested by Ha (which includes a first and second button). Ha is however silent on teaching the hand held controller is configured to perform a power on sequence before launching an user-defined application program initiated by the buttons and the wireless transmitter has a communication range of 200 to 500 feet. Terubumi in an art related Personal Computer

Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract). Terubumi is also silent on teaching the wireless transmitter has a communication range of 200 to 500 feet. Seal in an art related invention in the same field of endeavor of wireless transmission teaches the transmission of control signal in a range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving an input signal with a transmission range of 200 to 500 feet in Ha as evidenced by Terubumi in view of Seal because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer, combining the functional keys of the keyboard into remote control function and the microcomputer discriminate the key signal to determine the application software to be launch. The use of multiple keys for launching a user defined program is therefore suggested by Ha. Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location and Seal further teaches the transmission of control signal in a range greater than 100 feet .

Regarding claim 4, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launched in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer

responds accordingly to the actuation of hand held remote control button. Ha also teaches the remote controller having an on/off button (col. 3 line 34).

Regarding claim 6, Ha teaches the analysis of the key signal to select an application for launch (col. 3 lines 19-25).

Regarding claims 7 and 16, Ha in view of Terubumi in view of Ha is silent on teaching the wireless transmitter and receiver have a communication range of approximately 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet because Ha in view of Terubumi teaches a computer with wireless remote control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 in view of Seal U.S Patent 6396438 and further in view of Nelson et al. U.S Patent 6311282.

Regarding claim 2, Ha in view of Terubumi in view of Seal teaches wireless transmission of a remote control signal to a computer but is silent on teaching the wireless transmitter and receiver are configured for radio frequency transmission. Nelson et al. in an art related Method

And Apparatus For Computing Device With Status Display invention teaches the computer having RF modem for receiving command (col. 7 lines 39-40).

It would have been obvious to one of ordinary skill in the art to configure the transmitter and receiver for radio frequency transmission in Ha in view of Terubumi in view of Seal teaches as evidenced by Nelson et al. because Ha in view of Terubumi in view of Seal suggests a computer system with wireless remote controller and Nelson et al. teaches a RF modem receiving command messages that enables the control of a computer by a portable unit and radio frequency communication is widely used as a means of transmitting signal between a transmitter and receive.

Claims 8-9, 14-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065.

Regarding claim 8, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control buttons and the analysis of the key signal to select an application program to launch (col. 3 lines 19-25) and also on/off key for powering the computer col. 3 line 34). Ha is however silent on teaching that the computer is configured to perform a power on sequence before launching a user-defined application program and the computer comprising a radio frequency receiver. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving a an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Regarding claim 9, Ha teaches the analysis of the key signal to select an application for launch (col. 3 lines 19-25) permitting the launch of different application program based on the selected key.

Regarding claims 14 and 15, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control button. Ha also teaches the remote unit having on/off button for powering the computer (col. 3 line 34). Ha is however silent on teaching the computer is configured to perform a power on sequence before launching a user-defined application program. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving a an input signal in Ha

because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 and further in view of Flick U.S Patent 6392534.

Regarding claim 11, Ha teaches a remote control device (100) for a personal computer containing wireless signal transmission circuitry for communicating with wireless signal receiving circuitry (210). Ha also teaches that the microcomputer discriminate the key signal to determine the application software to be launch (col. 3 lines 19-25). The use of multiple keys for launching a user defined program is therefore suggested by Ha (which includes a first and second button). Ha is however silent on teaching the hand held controller is configured to perform a power on sequence before launching an user-defined application program and a hand held housing comprising an attachment device for connecting the remote control device to a key ring. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract). Terubumi is silent on teaching the number of buttons assign to initiates the power on sequence and launch the user defined application program and is also silent on teaching a hand held housing comprising

an attachment device for connecting the remote control device to a key ring. The attachment of a key ring to a remote represents a conventional practice and is evidenced by Flick (figure 1).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving an input signal with a transmission range of 200 to 500 feet in Ha as evidenced by Terubumi in view of Seal because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer, combining the functional keys of the keyboard into remote control function and the microcomputer discriminate the key signal to determine the application software to be launch. The use of multiple keys for launching a user defined program is therefore suggested by Ha. Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location. The attachment of a key ring to a remote represents a conventional practice and is evidenced by Flick.

Regarding claim 12, Ha teaches a user selecting a desired key on the remote unit and corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control button.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 in view of Flick U.S Patent 6392534 and further in view of Seal U.S Patent 6396438.

Regarding claim 13, Ha in view of Terubumi in view of Flick is silent on teaching the wireless transmitter and receiver has a communication range of approximately 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet because Ha in view of Terubumi in view of Flick suggests a computer with wireless remote control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Vernal Brown
September 23, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600